

REMARKS

Upon entry of the present Amendment the Claims under consideration are 1, 2, 4-19, and 21-88. Claims 3 and 20 have been cancelled hereby. Claims 77-88 are added hereby to particularly point out and claim the superior edge compression, wet tensile strength, and saturated capacity of a web according to the present invention, such as detailed, e.g., at page 19 of the specification. Applicants have hereby amended independent Claims 1 and 18 to more particularly point out that the present invention is drawn to a web with an increased level of superabsorbent loading. Independent Claims 35 and 52 were not amended because it is not believed that the cited art teaches such an absorbent web consisting essentially of binder fibers and superabsorbent particles. Various dependent claims have been amended to clearly comport with the amended independent Claims 1 and 18, or to retain consistency with the transitional phrase of the preamble of independent Claims 35 and 52, or to correct clerical errors such as misspellings in the originals. The Detailed Action of 14 August 2003 will now be addressed with reference to the headings and any paragraph numbers therein.

Claim Rejections -35 USC §103

Per paragraph 2 of the Detailed Action, Claims 1-8, 12-25, 29-42, 46-59, and 63-68 stand as obvious over Assarsson *et al.* (U.S. Patent 3,901,236, hereinafter Assarsson) in view of Dodge, II *et al.* (U.S. Patent 5,994,615, hereinafter Dodge).

Generally, with respect to absorbent webs, Assarsson teaches its coated particulates as being airlaid with wood pulp or placed between two airlaid pulp pads (col. 7, line 45). Dodge teaches a multifunctional absorbent material that has 30-75 weight percent slow rate superabsorbent, 25-75 weight percent pulp, and from a positive amount to ten

weight percent binder. Neither reference teaches a web consisting essentially of a homogenous mixture of binder and coated superabsorbent per the limitations of independent Claims 35 and 52. Therefore it is respectfully requested that the rejections with respect to independent Claims 35 and 52 (and all Claims dependent therefrom) be withdrawn.

The Detailed Action admits that Assarsson does not disclose the absorbent capacity of the present invention. However the Detailed Action asserts that: "it would have been obvious ... to have optimized the absorbency capacity of the web through the process of routine experimentation by optimizing factors such as the amount and placement of the superabsorbent particles, the choice of other components of the pad, etc." Applicants respectfully traverse, noting first that Assarsson is primarily concerned with the making of a coated superabsorbent, and only peripherally mentions the coated superabsorbent in airlaid wood pulp pads (col. 7, line 45). As is noted in the specification of the present invention, the placement of the superabsorbents and indeed, of all components of an absorbent system, is a matter of great consideration and skill (see e.g., pages 2-3 of the specification) involving many factors dependant upon the ultimate functioning and comfort of the web within a particular absorbent application, such as a particular type of personal care product. For example, Assarsson makes no mention of achieving good web integrity or low edge compression (low stiffness) along with increased absorption and high density. These factors, as taught by the present invention, are important practical considerations. Thus, the *post hoc* application of a "reasonable experimentation" standard of obviousness (akin to the impermissible "obvious to try" standard) is untenable within the sphere of the art to which the present invention applies. The Applicants have gone to great lengths to teach a method of

obtaining the claimed absorbency level, and a highly loaded web of superabsorbent and binder to support such absorbency levels, in a practical web suitable for commercial use, for the specifically claimed airlaid composite web of each of the present Claims. No mention is made in the cited art of the claimed construction with the claimed absorbency levels. Therefore, a *prima facie* case of obviousness has not been made by the Detailed Action and the present rejections must be withdrawn.

Further, the Detailed Action asserts that while Assarsson does not teach the claimed densities or the presence of binder fibers in airlaid pads, Dodge supplies the missing teaching to make the absorbent web of the present invention obvious with respect to the claimed densities and binder fibers of a Multifunctional Absorbent Material taught at col. 12, lines 5-25 and col. 13, lines 9-16 (as cited at the bottom of page 2 of the Detailed Action). It is respectfully noted that Dodge teaches an absorbent web (multifunctional material) having between 30-75% slow rate superabsorbent, between 25-70% pulp, and between some amount and 10% of binder fiber. Thus, Dodge does not teach the presently claimed heavily loaded absorbent web and certainly not a web consisting essentially of the main components as in Claims 35 and 52. Therefore, the present rejections should be withdrawn.

It is further noted that Dodge is largely drawn to a surge material unrelated to the present invention. It is this surge material which is cited by the Detailed Action as teaching the PE/PET bicomponent fiber of the present invention at col. 16, lines 10-22, (as cited at the top of page 3 of the Detailed Action). It is thus clear that the Detailed Action is mixing the teachings of two of the different materials taught in Dodge (a surge material and an absorbent material) and applying these teachings against the present claims in an

impermissible *ad hoc* and *post hoc* fashion. It is therefore respectfully submitted that the present rejections must be withdrawn.

Per paragraph 3 of the Detailed Action, Claims 9-11, 26-28, 43-45, 60-62, and 79 [sic] (69) - 76 stand as obvious over Assarsson as applied above and further in view of Radwanski et al. (U.S. Patent 4,939,016; hereinafter Radwanski).

The Detailed Action admits that neither of Assarsson nor Dodge above teaches incorporating elastomeric fibers or meltblown fibers or employing additional layers with the air laid layer. However, it is the (unsupported) assertion of the Detailed Action that: it would have been obvious, based on the teachings of Radwanski, “to enhance the aesthetic properties of the web” of Assarsson by incorporating elastomeric meltblown fibers.

Applicants respectfully disagree and traverse. It is noted that Assarsson is directed to coated particulate superabsorbents and suggests webs made therewith. On the other hand, Radwanski is directed to a nonwoven web containing pulp as the absorbent. Thus, the two references use entirely different absorbents. Further, the use of Assarsson’s superabsorbents with the hydroentangling process taught by Radwanski would be an untenable manufacturing process, resulting in the necessity and expense of drying out superabsorbents within the hydroentangled web. Further, no suggestion of a need for improving the “aesthetics” of an absorbent web such as might be made from the particulate superabsorbent of Assarsson is given in the references.

Clearly, the references do not provide a suggestion of combinability, or a likelihood of success, for such combination. Rather, the Detailed Action has impermissibly

Serial No.: 10/036,864

KC-16282

used the claims as a template to pick and choose those sections of the cited art which meet the individual limitations, rather than viewing the present invention (or the cited references) as a whole. Therefore, a *prima facie* case of obviousness has not been made by the Detailed Action and the present rejections must be withdrawn.

For all the foregoing reasons, the Claims as presently amended are believed to be allowable over the art of record. A notice to that effect is earnestly solicited.

The Examiner is invited to call Applicant's undersigned attorney should the Examiner feel that any issues remain after entry of the present amendment.

A check in the amount of \$216.00 for the newly presented twelve Claims (77-88) is included herewith.

Favorable consideration is requested.

Respectfully submitted,



Roland W. Norris
Registration No. 32,799

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60195
TEL (847) 490-1400
FAX (847) 490-1403